

The House Committee on Industrial Relations offers the following substitute to HB 153:

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Voluntary Contributions Act"; to amend Chapter 5 of Title 21 of the Official
2 Code of Georgia Annotated, relating to ethics in government, so as to place certain
3 limitations on labor organizations with regard to the funding for certain political activities;
4 to provide for definitions; to provide for the use of certain separate, segregated funds for
5 political activity expenditures; to provide for certain limitations on the solicitation of funds
6 for such activities; to provide penalties; to require certain filings and disclosures; to provide
7 for applicability; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Voluntary Contributions Act."

12 **SECTION 2.**

13 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
14 government, is amended by adding a new Article 5 to read as follows:

15 **"ARTICLE 5**

16 21-5-90.

17 As used in this article, the term:

18 (1) 'Ballot proposition' includes referenda, proposed constitutional amendments, and any
19 other question submitted to the electors of this state for approval or rejection.

20 (2) 'Filing entity' means a candidate, campaign committee, officeholder, political
21 committee, political party or body, and each other entity required to file disclosure reports
22 under Code Section 21-5-34.

(3) 'Fund' means the separate, segregated fund established by a labor organization for political purposes according to the procedures and requirements of this article.

(4) 'Labor organization' means any association or organization of employees and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours, or conditions of employment. 'Labor organization' includes each employee association and union for employees of public sector employers.

(5) 'Political activities' means independent expenditures or expenditures made to or on behalf of any candidate, political party or body, political action committee, or ballot proposition campaign.

(6) 'Public employee' means an employee of the State of Georgia or any political subdivision thereof.

(7) 'Union dues' means dues, fees, or other moneys paid by an employee of the State of Georgia or any political subdivision thereof required as a condition of membership in a labor organization.

21-5-91.

(a) A labor organization may only make expenditures for political activities from funds solicited from public employees if the labor organization establishes a separate, segregated fund that meets the requirements of this article.

(b) A labor organization shall ensure that:

(1) In soliciting contributions for the fund from public employees, the solicitor discloses, in clear and unambiguous language on the face of the solicitation, that contributions are voluntary and that the fund is a political fund and will be expended for political activities;

(2) Union dues paid by public employees are not used for political activities, transferred to the fund, or intermingled in any way with fund moneys;

(3) The cost of administering the fund is paid from fund contributions and not from union dues; and

(4) Each contribution is voluntary and is made by the member and not from or by the employer of the member.

(c) At the time the labor organization is soliciting contributions for the fund from a public employee, the labor organization shall:

(1) Affirmatively inform the employee, orally or in writing, of the fund's political purpose; and

(2) Affirmatively inform the employee, orally or in writing, of the employee's right to refuse to contribute without fear of reprisal or loss of membership in the labor organization.

(d) The labor organization shall maintain records to establish that the requirements of subsections (b) and (c) of this Code section are met.

(e) Notwithstanding the requirements of paragraph (2) of subsection (b) of this Code section, a labor organization may use union dues to communicate directly with its own members about political candidates, ballot propositions, and other political issues.

21-5-92.

(a) It is unlawful for a labor organization to make expenditures for political activities by using contributions from public employees secured by physical force or threat of force, job discrimination or threat of job discrimination, membership discrimination or threat of membership discrimination, or economic reprisals or threat of economic reprisals.

(b) When a labor organization is soliciting contributions for a fund from a public employee, it is unlawful for a labor organization to fail to:

(1) Affirmatively inform the employee, orally or in writing, of the fund's political purpose; and

(2) Affirmatively inform the employee, orally or in writing, of the employee's right to refuse to contribute without fear of reprisal or loss of membership in the labor organization.

(c) It is unlawful for a labor organization to pay a member for contributing to the fund by providing a bonus, expense account, rebate of union dues, or by any other form of direct or indirect compensation.

(d) Any person or entity violating the provisions of this Code section shall be guilty of a misdemeanor.

21-5-93.

Each fund established by a labor organization under this article shall register as a campaign committee pursuant to Code Section 21-5-30, shall maintain and make available for inspection the same records and accounts as candidates pursuant to Code Section 21-5-31, and shall file the same disclosure reports as candidates pursuant to Code Section 21-5-34.

21-5-94.

The provisions of this article shall apply to all contracts entered into or renewed on and after July 1, 2005."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.